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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH CENTRAL DIVISION

SHIPITO, LLC, a Utah limited liability company, Plaintiff, v. JASON LUONG, an individual, Planet Express Shipping, LLC and Does 1-10, Defendant.	**ATTORNEY'S PLANNING MEETING REPORT** Case No. 2:17-cv-00963 District Judge____________

1. PRELIMINARY MATTERS:

a. The nature of the claims and affirmative defenses is: the dissemination of confidential, proprietary and trade secret information and the subsequent efforts to undermine and harm the Plaintiff. Defendants Luong and Planet Express have filed a motion to dismiss for lack of personal jurisdiction and improper venue or, in the alternative, to transfer venue. Defendants do not waive any jurisdictional objection by cooperating in or submitting this Planning Report. Additionally, Defendants intend to file one or more motions for judgment on the pleadings and intend to assert counter-claims once jurisdictional matters have been resolved. No date has yet been set for Defendants' jurisdictional motion, and no date will be set until the matter is reassigned to a district judge. In the event there is substantial delay in assigning and determining Defendants' motion, Defendants would seek to alter the proposed deadlines below.

b. This case is _____not referred to a magistrate judge

_____referred to magistrate judge

______under 636(b)(1)(A)

______under 636(b)(1)(B)

__X__assigned to a magistrate judge under General Order 07-001

and

____ all parties consent to the assignment for all proceedings or

__X__ one or more parties request reassignment to a district judge

c. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on **October 18, 2017** by **telephonic conference**.

The following attended:

Will Chadwick, counsel for **SHIPITO, LLC**,

Alan Engle, counsel for **JASON LUONG and PLANET EXPRESS SHIPPING, LLC**

d. The parties _____ request / __**X**__ **do not request** an initial pretrial scheduling conference with the court prior to entry of the scheduling order. An initial pretrial scheduling conference is set before **Magistrate Judge Evelyn J. Furse** on **11/8/2017 at 11:30am.**

e. The parties _____ have exchanged or __**X**__ **will exchange** by **11/22/17** the initial disclosures required by Rule 26(a)(1).

f. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. **DISCOVERY PLAN**: The parties jointly propose to the court the following discovery plan: *Use separate paragraphs or subparagraphs as necessary **if the parties disagree.***

a. Discovery is necessary on the following subjects: SHIPITO LLC's allegation of the misappropriation of confidential, proprietary and trade secret information; the use of this information in the formation of a copycat business; and breach of contract.

b. Discovery Phases: Discovery will not be conducted in phases.

c. Designate the discovery methods to be used and the limitations to be imposed.

(1) Oral Exam Depositions

Plaintiff(s): **10**

Defendant(s): **10**

Maximum no. hrs. per deposition: **7**

(2) Interrogatories: **25**

Admissions (other than Requests for Authentication): **25**

Requests for production of documents: **125**

Requests for Authentication: **Unlimited**

(3) Other discovery methods:

d. Discovery of electronically stored information should be handled as follows:

The Parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues reasonably evident in this action. The Parties reserve the right to submit a stipulated proposal regarding how discovery of electronically stored information should proceed.

e. The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows:

Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-product-protected document, whether inadvertent or otherwise, is not a waiver of privilege or protection from discovery in this case or in any other federal or state proceeding. For example, the mere production of privileged or work-product-protected documents in this case as part of a mass production is not itself a waiver in this case or in any other federal or state proceeding. The Parties reserve the right to submit a stipulated protective order.

f. Last day to file written discovery: **08/27/18**

g. Close of fact discovery: **09/24/18**

h. *(optional)* Final date for supplementation of disclosures under Rule 26 (a)(3) and of discovery under Rule 26 (e): **02/22/19**

3. **AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES**:

a. The cutoff dates for filing a motion to amend pleadings are: *specify date*

Plaintiff(s): **03/20/18** Defendant(s): **04/20/18**

b. The cutoff dates for filing a motion to join additional parties are: *specify date*

Plaintiff(s): **03/20/18** Defendants(s): **04/20/18**

(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed.R.Civ.P. 15(a)).

4. **EXPERT REPORTS**:

Reports from experts under Rule 26(a)(2) will be submitted on: *specify dates*

Parties bearing burden of proof: **09/24/18**

Response: **11/26/18**

5. **OTHER DEADLINES**:

a. Expert Discovery cutoff: **12/24/18**

b. Deadline for filing dispositive[1] or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case: **01/18/19**

c. Deadline for filing partial or complete motions to exclude expert testimony **02/19/19**

6. **ADR/SETTLEMENT**:

Use separate paragraphs/subparagraphs as necessary if the parties disagree.

a. The potential for resolution before trial is: ___ good **_X_ fair** ____ poor

b. This case should be referred to the court's alternative dispute resolution program for arbitration: _____ **mediation: __X__**

c. The parties intend to engage in private alternative dispute resolution for arbitration: _____ mediation: _____

d. The parties will re-evaluate the case for settlement/ADR resolution on: **11/26/18**.

7. **TRIAL AND PREPARATION FOR TRIAL:**

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[1] Dispositive motions, if granted, affect the final resolution of the case; nondispositive motions, if granted, affect the case but do not dispose of it.

a. The parties should have __14__ days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than 14 days provided by Rule).

b. This case should be ready for trial by: **03/25/19**

Jury__X____ Bench

c. The estimated length of the trial is: **3-4 days**

______________________________________ Date: ___/___/___

Signature and typed name of Plaintiff(s) Attorney

______________________________________ Date: ___/___/___

Signature and typed name of Defendant(s) Attorney

NOTICE TO COUNSEL

The Report of the Attorney Planning Meeting should be completed and filed with the Clerk of the Court twenty-one days before the date of the Initial Pretrial Conference. A copy of the Proposed Scheduling Order on the court's official form should be submitted in word processing format by email to ipt@utd.uscourts.gov. If counsel meet, confer, and

(i) file a stipulated Attorney Planning Meeting Report *and*

(ii) email a draft scheduling order in word processing format by email to ipt@utd.uscourts.gov

twenty-one days before the scheduled hearing, the Court will consider entering the Scheduling Order based on the filed Attorney Planning Meeting Report.

If the Hearing is held, counsel should bring a copy of the Attorney Planning Meeting Report to the Hearing.

CM ECF
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Other Documents
Attorney Planning Meeting
Next
Clear

In CM/ECF, this document should be docketed as Other Documents - Attorney Planning Meeting.

More information is available at http://www.utd.uscourts.gov/documents/ipt.html